

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER HARBERS,
for Herself, as a Private Attorney
General, and/or On Behalf Of All
Others Similarly Situated,

Plaintiff,

v.

EDDIE BAUER LLC,
and DOES 1-20, inclusive,

Defendants.

No. 2:19-cv-01012-JLR

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER RESOLVING
DEFENDANT'S MOTION
TO STAY DISCOVERY (DKT. 32)**

NOTE ON MOTION CALENDAR:
MONDAY, SEPTEMBER 23, 2019

STIPULATED MOTION FOR ORDER
RESOLVING DEFENDANT'S
MOTION TO STAY DISCOVERY - 1
19-CV-01012-JLR

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STIPULATION

WHEREAS, on July 23, 2019, this Court entered a Rule 16(b) And Rule 23(d)(2) Scheduling Order Regarding Class Certification Motion (Dkt. 24) which, among other things, set a deadline for Plaintiff Jennifer Harbers to complete discovery on class certification on or by November 24, 2019, and set a deadline for Plaintiff Harbers to file a motion for class certification on or by December 24, 2019;

WHEREAS, on July 3, 2019, Defendant Eddie Bauer, LLC ("Eddie Bauer"), filed its Motion To Compel Arbitration Or, In The Alternative, Dismiss Plaintiff's Complaint (Dkt. 13), a motion which has been fully briefed by the parties and which is pending;

WHEREAS, on September 16, 2019, Eddie Bauer filed and served its Motion To Stay Discovery (Dkt. 32), which asks the Court to stay discovery until the ruling upon Defendant's ~~Motion To Compel Arbitration Or, In The Alternative, Dismiss Plaintiff's Complaint (Dkt. 13)~~ on the grounds that district courts within the Ninth Circuit have held that a stay of discovery is appropriate while a plaintiff is challenging the Court's jurisdiction (Motion To Stay Discovery, Dkt. 32, pp. 3:2-4:13);

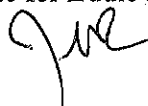
WHEREAS, after a review of the court decisions cited by Eddie Bauer and other legal authorities (*e.g.*, *Mahamedi IP Law, LLP v. Paradise & Li, LLP*, 2017 WL 2727874, *1 (N.D. Cal. Feb. 14, 2017) (collecting cases staying discovery until resolution of arbitration motion)), Plaintiff Harbers concludes that she does not have an objection to a limited stay of all discovery and that it would not be a good use of judicial resources for this Court to adjudicate Eddie Bauer's Motion To Stay Discovery (Dkt. 32)—provided that Plaintiff's deadlines to complete class certification discovery and to file a motion for class certification are continued for a period of time equal to the period of the discovery stay;

NOW, THEREFORE, Plaintiff Jennifer Harbers ("Harbers") and Defendant Eddie Bauer, LLC ("Eddie Bauer") hereby STIPULATE and AGREE as follows:

1. All discovery in this civil action should be suspended from the day of the Court's granting of this Stipulated Motion to and through the day of the Court's entry of an order adjudicating Defendant's Motion To Compel Arbitration Or, In The Alternative, Dismiss

1 Plaintiff's Complaint (the "Period of Stay"), with this stay of discovery being lifted upon this
2 Court's entry of an order adjudicating Defendant's Motion To Compel Arbitration Or, In The
3 Alternative, Dismiss Plaintiff's Complaint.

4 2. The deadlines of November 24, 2019 (to complete class certification discovery),
5 and December 24, 2019 (to file a motion for class certification), as stated in the Rule 16(b) And
6 Rule 23(d)(2) Scheduling Order Regarding Class Certification Motion (Dkt. 24), should be
7 amended and continued by the number of calendar days in the Period of Stay.

8 3. ~~The Court should vacate the noting date for~~ Eddie Bauer's Motion To Stay
9 Discovery (Dkt. 32) **is DENIED as moot.** 

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11 DATE: September 23, 2019

12 Respectfully submitted,

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14 SEED IP Law Group LLP

15
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STIPULATED MOTION FOR ORDER
RESOLVING DEFENDANT'S
MOTION TO STAY DISCOVERY - 3
19-CV-01012-JLR

Respectfully submitted,

HATTIS & LUKACS

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2 *Attorneys for*
3 *Defendant Eddie Bauer, LLC*

5 **ORDER**

6 IT IS SO ORDERED.

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11 DATED: ~~September~~ ^{October} 1, 2019


HON. JAMES L. ROBART
Judge, U.S. District Court
for the Western District of Washington

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington and the United States of America that on the 23rd day of September, 2019, the document attached hereto was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter.

DATED this 23rd day of September, 2019.

/s/ Che Corrington
Che Corrington, WSBA No. 54241